S.B.CRIMINAL REVISION PETITION NO.169/2007
(Jora Ram Vs. State of Rajasthan & Ors.)

DATE OF ORDER: 01.03.2007

HON'BLE MR.JUSTICE GOPAL KRISHAN VYAS

Mr.Shyam S.Kahtri, for the petitioner
Mr.J.P.S.Choudhary, Public Prosecutor

BY THE COURT:

By way of this revision petition, the complainant Jora Ram S/o Uda Ram is challenging the judgment dated 31.7.2006 passed by learned Special Judge, SC/ST (Prevention of atrocities) Act cases, Bikaner passed in Regular Cr.Case No.55/2005, whereby the learned trial Judge acquitted the non-petitioners of the charge under sections 430 & 323 I.P.C. and Section 3(1)(V) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989. As per the facts narrated in the petition, a F.I.R. was lodged against the non-petitioners upon complaint made by the petitioner in which it was stated that in Chak 5 RMD the complainant petitioner is having his Murba No.157/33, at the tail of the Chak and at the site of this Murba he is having his Dhani. As per the allegation in the F.I.R., in Murba No. 157/28, which belongs to one Baldev Ram Jat and is situated 5-6 Murba away from the Murba of the complainant and the non-petitioners Mangal Singh and Sabal Singh are the

tenants of that Murba. It is further stated that on 19th August, 2005 at about 4 O' Clock complainant and driver Shamu along with the Tractor went to clean the Khala (Water Supply Channel) , at that time accused persons Mangal Singh and Sabal Singh came there and intervened and started beating. During the course of said beating Ram Singh and Hem Singh came on the spot for the rescue of the complainant. It is also stated that both the non-petitioners used filthy language relating to their caste and after two days of the incident when turn of water supply came the complainant did not receive any water supply from the Khala because the non-petitioners did not allow complainant to clean the Khala, therefore, he suffered loss of his crop. After usual investigation a challan was filed and case was ultimately tried by the learned Special Judge SC/ST (Prevention of Atrocities) Cases, Bikaner and after framing charge six witness were examined and six documents were exhibited before the Court. The learned Trial Judge after considering evidence on record has acquitted the non-petitioners which is totally erroneous as per the learned counsel for the complainant petitioner. The learned counsel for the petitioner submits that there is enough material evidence on record against the non-petitioners but the learned trial Judge has not considered the same and has erroneous acquitted the non-petitioners.

I have perused the petition and heard the learned counsel

for the complainant. There is no ground mentioned in the petition, which requires any consideration for holding that finding of the learned trial Judge is perverse or illegal. Further during course of the arguments also no such ground was raised by the learned counsel for the petitioner, which warrants any interference in this case. I have also perused the judgment of the trial court. The learned trial Judge has considered oral evidence as well as the documentary evidence and held that prosecution has not proved its case beyond reasonable doubt. I see no ground for interference in the judgment or for re-appreciation of evidence. Hence this revision petition stands dismissed.

(GOPAL KRISHAN VYAS) J.

BKS/-